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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL DIOP,

Defendant.

CASE NO. 2:21-CR-00106-MCE

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: September 30, 2021
TIME: 10:00 a.m.
COURT: Hon. Morrison C. England, Jr.

STIPULATION

Plaintiff United States of America (the “government”), by and through its counsel of record, and
defendant Gabriel Diop, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 30, 2021.
2. By this stipulation, the defendant now moves to continue the status conference until
December 2, 2021, and to exclude time between September 30, 2021, and December 2, 2021, under
Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) On September 27, 2021, United States Magistrate Judge Deborah Barnes signed a
stipulated protective order negotiated and entered into by the parties.
 - b) The government has represented that the discovery associated with this case
includes tens of thousands of documents. Following approval of the protective order, the first
approximately 7,500 pages of discovery will be produced to defense counsel. Furthermore, the

1 government is in possession of numerous physical items of evidence seized from the defendant's
2 residence during execution of a search warrant. These physical items of evidence have been and
3 are available for defense counsel to review.

4 c) Counsel for the defendant desires additional time to consult with her client,
5 review the current charges, conduct investigation and research related to the charges, discuss
6 potential resolutions with her client, review the government's forthcoming discovery production,
7 and otherwise prepare for trial.

8 d) Counsel for the defendant believes that failure to grant the above-requested
9 continuance would deny her the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of September 30, 2021, to December
17 2, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
18 Code T4] because it results from a continuance granted by the Court at the defendant's request
19 on the basis of the Court's finding that the ends of justice served by taking such action outweigh
20 the best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 28, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ SAM STEFANKI

SAM STEFANKI
Assistant United States Attorney

Dated: September 28, 2021

/s/ JENNIFER MOUZIS

JENNIFER MOUZIS
Counsel for Defendant GABRIEL DIOP

ORDER

IT IS SO ORDERED.

Dated: September 29, 2021



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE